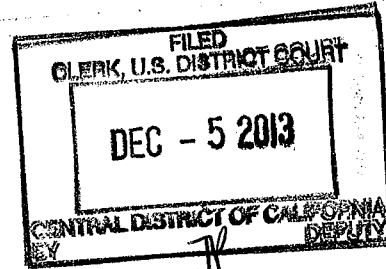


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17 Federal Trade Commission

18 UNITED STATES DISTRICT COURT  
19 CENTRAL DISTRICT OF CALIFORNIA

20 FEDERAL TRADE COMMISSION;

21 Plaintiff,

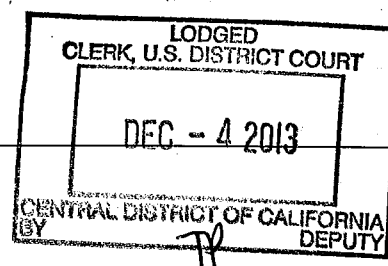
22 v.  
23

24 TATTO, INC., a corporation, also d/b/a  
25 WINBIGBIDLOW and TATTO MEDIA;

26 BULLROARER, INC., a corporation, also  
27 d/b/a BULLROARER CORPORATION  
28 PTY LTD;

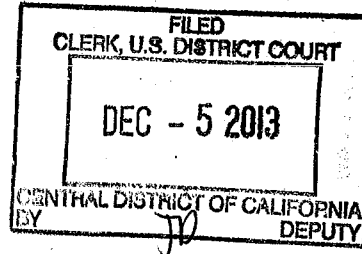
Case No. **CV 13-8912 DSF (FFM)**

**COMPLAINT FOR PERMANENT  
INJUNCTION AND OTHER  
EQUITABLE RELIEF**



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16 Attorneys for the Plaintiff  
 17 Federal Trade Commission

18 UNITED STATES DISTRICT COURT  
 19 CENTRAL DISTRICT OF CALIFORNIA

20 FEDERAL TRADE COMMISSION,

21 Plaintiff,

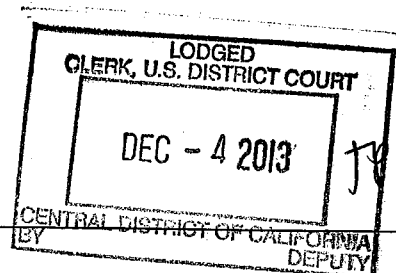
22 v.

24 TATTO, INC., a corporation, also d/b/a  
 25 WINBIGBIDLOW and TATTO MEDIA;

26 BULLROARER, INC., a corporation, also  
 27 d/b/a BULLROARER CORPORATION  
 28 PTY LTD;

Case No. **CV 13-8912 DSF (FNUx)**

**COMPLAINT FOR PERMANENT  
 INJUNCTION AND OTHER  
 EQUITABLE RELIEF**



1 SHABOOM MEDIA, LLC, a limited  
 2 liability company, also d/b/a TATTO  
 3 MEDIA;  
 4 BUNE, LLC, a limited liability company;  
 5 MOBILE MEDIA PRODUCTS, LLC, a  
 6 limited liability company;  
 7 CHAIRMAN VENTURES, LLC, a  
 8 limited liability company;  
 9 GALACTIC MEDIA, LLC, a limited  
 10 liability company;  
 11 VIRTUS MEDIA, LLC, a limited liability  
 12 company;  
 13 LIN MIAO, in his individual and  
 14 corporate capacity; and  
 15 ANDREW BACHMAN, in his individual  
 16 and corporate capacity;  
 17 Defendants.

18  
 19 Plaintiff, the Federal Trade Commission ("FTC"), for its Complaint alleges:

20 1. The FTC brings this action under Section 13(b) of the Federal Trade  
 21 Commission Act ("FTC Act"), 15 U.S.C. § 53(b), to obtain temporary,  
 22 preliminary, and permanent injunctive relief, rescission or reformation of contracts,  
 23 restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other  
 24 equitable relief for Defendants' acts or practices in violation of Section 5(a) of the  
 25 FTC Act, 15 U.S.C. § 45(a). As explained herein, Defendants have been engaging  
 26 in a widespread scheme to place unauthorized third-party charges on consumers'  
 27 mobile phone bills, a harmful and illegal practice known as "cramming."  
 28

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a) and 53(b).

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(2), (c)(1) and (2), and (d), and 15 U.S.C. § 53(b).

**PLAINTIFF**

4. The FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce.

5. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be appropriate in each case, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. §§ 53(b) and 56(a)(2)(A).

**DEFENDANTS**

6. Defendant Tatto, Inc. ("Tatto") is a Delaware corporation with its principal place of business in Los Angeles, California. Tatto transacts or has transacted business in this District and throughout the United States.

7. Defendant Bullroarer, Inc. ("Bullroarer") is a Delaware corporation with its principal place of business located in San Francisco, California. Bullroarer transacts or has transacted business in this District and throughout the United States.

8. Defendant Shaboom Media, LLC ("Shaboom") is a Delaware limited liability company with its principal place of business located in Boston, Massachusetts. Shaboom transacts or has transacted business in this District and throughout the United States.

1           9. Defendant Bune LLC (“Bune”) is a Delaware limited liability  
2 company with its principal place of business located in Boston, Massachusetts.  
3 Bune transacts or has transacted business in this District and throughout the United  
4 States.

5           10. Defendant Mobile Media Products, LLC (“Mobile Media”) is a  
6 Delaware limited liability company with its principal place of business located in  
7 Beverly Hills, California. Mobile Media transacts or has transacted business in  
8 this District and throughout the United States.

9           11. Defendant Chairman Ventures, LLC (“Chairman Ventures”) has been  
10 a Delaware limited liability company with its principal place of business located in  
11 Boston, Massachusetts. Chairman Ventures transacts or has transacted business in  
12 this District and throughout the United States.

13           12. Defendant Galactic Media, LLC (“Galactic Media”) has been a  
14 Delaware limited liability company with its principal place of business located in  
15 Boston, Massachusetts. Galactic Media transacts or has transacted business in this  
16 District and throughout the United States.

17           13. Defendant Virtus Media, LLC (“Virtus Media”) has been a Delaware  
18 limited liability company with its principal place of business located in Boston,  
19 Massachusetts. Virtus Media transacts or has transacted business in this District  
20 and throughout the United States.

21           14. Defendant Lin Miao (“Miao”) has been an owner and officer of Tatto  
22 and an officer of Shaboom and Chairman Ventures. He has also been listed as a  
23 contact or authorized person in various state filings and corporate documents for  
24 Bune, Mobile Media, Virtus Media, and Galactic Media. At all times material to  
25 this complaint, acting alone or in concert with others, Miao formulated, directed,  
26 controlled, had the authority to control, or participated in the acts and practices of  
27 the Tatto Corporate Defendants (as defined below), including the acts and practices  
28 set forth in this Complaint. Since at least the Spring of 2011, acting alone or in

1 concert with others, Miao formulated, directed, controlled, had the authority to  
 2 control, or participated in the acts and practices of Bullroarer, including the acts  
 3 and practices set forth in this Complaint. Defendant Miao resides in this District  
 4 and, in connection with the matters alleged herein, transacts or has transacted  
 5 business in this District and throughout the United States.

6 15. Defendant Andrew Bachman ("Bachman") has been an owner and  
 7 officer of Tatto and an officer of Shaboom and Virtus Media. His personal  
 8 residence has been used as the mailing address for several of the Corporate  
 9 Defendants, including Shaboom, Bune, and Virtus Media. Until at least the Fall of  
 10 2012, acting alone or in concert with others, Bachman formulated, directed,  
 11 controlled, had the authority to control, or participated in the acts and practices of  
 12 the Tatto Corporate Defendants (as defined below), including the acts and practices  
 13 set forth in this Complaint. Defendant Bachman, in connection with the matters  
 14 alleged herein, transacts or has transacted business in this District and throughout  
 15 the United States.

#### 16 COMMON ENTERPRISES

17 16. At all times material to this Complaint, and since at least January  
 18 2011, Defendants Tatto, Shaboom, Bune, Mobile Media, Chairman Ventures,  
 19 Galactic Media, and Virtus Media (collectively, "Tatto Corporate Defendants")  
 20 have operated as a common enterprise while engaging in the unlawful acts and  
 21 practices alleged herein. The Tatto Corporate Defendants have conducted the  
 22 business practices described herein through interrelated companies that have  
 23 common ownership, officers, managers, business functions, employees, and office  
 24 locations, and that commingled funds. Because the Tatto Corporate Defendants  
 25 have operated as a common enterprise, each of them is jointly and severally liable  
 26 for the acts and practices alleged herein. Individual Defendants Miao and  
 27 Bachman have formulated, directed, controlled, had the authority to control, or  
 28

1 participated in the acts and practices of the Tatto Corporate Defendants that  
2 constitute the Tatto common enterprise.

3 17. Since at least the spring of 2011, Defendant Bullroarer and the Tatto  
4 Corporate Defendants (collectively, "Corporate Defendants") have operated as a  
5 common enterprise while engaging in the unlawful acts and practices alleged  
6 herein. The Corporate Defendants have conducted the business practices described  
7 herein through interrelated companies that have common business functions and  
8 commingled funds. Further, Bullroarer and Tatto are commonly owned by Ozura  
9 World, Ltd., a Hong Kong-based company. Because the Corporate Defendants  
10 have operated as a common enterprise, each of them is jointly and severally liable  
11 for the acts and practices alleged herein for the period of the common enterprise.  
12 Individual Defendants Miao and Bachman have formulated, directed, controlled,  
13 had the authority to control, or participated in the acts and practices of the  
14 Corporate Defendants that constitute the Bullroarer/Tatto common enterprise.

#### 15 COMMERCE

16 18. At all times material to this Complaint, Defendants have maintained a  
17 substantial course of trade in or affecting commerce, as "commerce" is defined in  
18 Section 4 of the FTC Act, 15 U.S.C. § 44.

#### 19 DEFENDANTS' ACTIVITIES

20 19. Defendants have been operating a scam in which they have been  
21 billing consumers for text message-based subscription services even though the  
22 consumers did not authorize any purchase of the services. Defendants' purported  
23 services have included sending periodic text messages containing celebrity gossip  
24 alerts, "fun facts," horoscopes, and similar kinds of information. Using the billing  
25 mechanisms of mobile phone companies, Defendants have been causing  
26 unauthorized charges for these services to be placed on consumers' mobile phone  
27 bills, often with abbreviated and uninformative descriptions. Many consumers  
28 have paid their mobile bills without ever noticing these charges; others have paid



1 and then unsuccessfully have disputed the third-party charges without obtaining a  
2 refund; still others have disputed the charges and succeeded in having them  
3 removed only after substantial effort. Defendants have been receiving a substantial  
4 percentage of the unauthorized charges that have been collected, and have made  
5 millions of dollars.

6 **The Placement of Third-Party Charges on Phone Bills**

7 20. Mobile phone bills can include charges for so-called “Premium SMS”  
8 services provided by third-party merchants rather than a consumer’s mobile phone  
9 company. Premium SMS services allow consumers to purchase digital goods or  
10 services by using text messages (also known as “SMS” messages) sent to and from  
11 their mobile phones. For example, a merchant – known in this context as a  
12 “content provider” – may offer digital content, such as a game that can be played  
13 on a consumer’s phone that can be ordered and purchased by the consumer using  
14 text messaging. The charge for the service is placed on the consumer’s monthly  
15 mobile bill.

16 21. In order to send commercial text messages to consumers and place  
17 charges on a phone bill, a content provider uses a five- or six-digit number called a  
18 “short code.” There are several ways consumers can be enrolled in Premium SMS  
19 services using short codes. The content provider typically advertises to consumers  
20 and instructs them on how to order the service via text message. Under standard  
21 industry practice, the content provider generally requires the consumer to take two  
22 steps to confirm a purchase, a practice that is known as “double opt-in”  
23 verification. For example, a consumer can send a text message from a cell phone  
24 to the short code and receive in response a text message describing how to opt-in to  
25 the subscription program, which typically involves replying to the text message  
26 with a particular keyword. The content provider enters into agreements – often via  
27 a third party known as an “aggregator” – to place charges on specific mobile  
28 carriers’ mobile phone bills. The content provider is responsible for delivering the



1 digital content to the consumer's mobile phone, and it bills the consumer and  
2 collects charges by having the phone company place the appropriate charge on the  
3 consumer's bill. The aggregator then transmits the content provider's share of the  
4 funds from the mobile phone company to the content provider.

5 **Defendants' Scam**

6 22. Defendants purportedly have been providing a number of Premium  
7 SMS services through various short codes. However, unlike legitimate content  
8 providers, Defendants have not been obtaining consumers' knowing agreement to  
9 pay for their purported services. Instead, they have been placing the charges onto  
10 consumers' phone bills without their consent – a practice known as “cramming” –  
11 and profiting when consumers pay their phone bills without noticing these  
12 unauthorized charges.

13 23. In this case, Defendants have offered their purported services using  
14 multiple short codes. For example, Tatto and Bune have offered a subscription  
15 service called “Hollywood Stars Live! Alerts,” which purportedly provides three  
16 weekly celebrity-related text messages, using short codes 88044 and 580580.  
17 Bune also has advertised a subscription service called “FlashFacts” which  
18 purportedly provides three “fun facts” a week by text message, using the short  
19 code 58678. Galactic Media and Mobile Media Products each have offered a  
20 subscription service called “MyLuvCrush,” which purportedly provides an initial  
21 “love reading” and up to 12 horoscope readings per month by text message using  
22 the short code 60206. Each subscription typically costs \$9.99 per month and  
23 automatically renews every month. All of the Defendants have offered similar  
24 kinds of services using other short codes as well. Defendants have operated and  
25 billed for such services on multiple mobile phone networks.

26 24. Defendants have been placing the charges on consumers' mobile  
27 phone bills despite the fact that consumers did not knowingly sign up for their  
28 services. In some instances, consumers have received text messages containing

1 random factoids or other types of message alerts, but these messages often appear  
2 merely to be spam, which consumers therefore ignore. Defendants also likely have  
3 been using misleading website offers to obtain consumers' phone numbers and to  
4 sign them up for subscription services. For example, one website informed  
5 consumers that they had won free Justin Bieber tickets, which they could claim by  
6 completing an online quiz and entering their score. One of the following screens  
7 directed the consumer to enter his/her cell phone number. After the quiz was  
8 complete, consumers did not receive Justin Bieber tickets, yet it is likely that any  
9 phone numbers entered were signed up for one of Defendants' services.

10 25. Defendants have been placing these charges even though the  
11 consumers did not knowingly consent to sign up for the services that Defendants  
12 purportedly provide, whether by a "double opt-in" or any other process in which a  
13 consumer provides express informed consent to the charges.

14 26. Many consumers have not noticed Defendants' charges included on  
15 their phone bills, and have paid their bills in full. The charges have often appeared  
16 on a bill in an abbreviated and confusing form. For example, the billing descriptor  
17 for Bune's "MobChance Gossip Alerts" text alert service has been  
18 "77050IQ12CALL8663611606." Similarly, the billing descriptor for Bullroarer's  
19 "Tonetime Content" service has been "25184USBFIQMIG." The \$9.99 per month  
20 charge has been included in the total amount due for the entire mobile phone bill.  
21 Consumers may not notice slight variations in their bill totals from month to  
22 month. Indeed, consumers billed by Defendants often failed to notice the charges  
23 on their bills. Further, the charges have been recurring – \$9.99 each month –  
24 unless and until the consumer notices the charge and takes action to unsubscribe.

25 27. In some cases, consumers have noticed the unauthorized charges on  
26 their phone bills and attempted to dispute those charges and/or any additional  
27 charges related to the Defendants that they may have paid in the past. This process  
28 has been difficult and often unsuccessful. In numerous instances, the Defendants'

1 contact phone numbers were not provided with the description on the phone bill.  
2 If consumers were able to find a phone number, they have often reached  
3 representatives who claim they will provide refunds, but do not. In many cases,  
4 consumers have not received refunds for all of the months that they paid the bogus  
5 charges.

6 28. Consumers who have noticed the crammed charges have complained  
7 in significant numbers, and some phone companies have refunded between 20 and  
8 40% of all charges on certain short codes in various months. Defendants have  
9 continued to receive Better Business Bureau and other complaints from consumers  
10 who did not expressly sign up for Defendants' services. Throughout 2011 and  
11 2012, two major phone companies suspended many of Defendants' short codes for  
12 excessive refund rates and misrepresentations in Defendants' marketing and  
13 advertising. Another phone company warned Defendants of excessive refund rates  
14 on certain of the short codes.

15 29. Defendants have been receiving a substantial portion of the charges  
16 collected by the mobile phone company, authorized or not. Defendants have made  
17 millions from the unauthorized charges, notwithstanding that many consumers  
18 have complained and that some phone companies have terminated their short  
19 codes.

20 30. All the Defendants have been participating in and profiting from this  
21 activity. Defendant Miao has been at the center of the fraudulent operations. At  
22 various times, he has held himself out as the President, Treasurer, Secretary,  
23 Director, CEO, and owner of Tatto. He has also been an officer of Shaboom and  
24 Chairman Ventures, and has been listed as a contact or authorized person in  
25 various state filings and corporate documents for Bune, Mobile Media, Virtus  
26 Media, and Galactic Media. He has also identified himself as an officer of Ozura  
27 World, Ltd., the parent company of both Bullroarer and Tatto. He is the sole  
28 signatory on several of Tatto's corporate bank accounts, and he personally signed

1 checks as part of the daily operations of the companies. He has also been the  
 2 signatory on forms submitted to the wireless carriers in connection with the  
 3 companies' operations. He has directly received at least twenty-nine million  
 4 dollars from the scam, and he has knowledge and control of the Corporate  
 5 Defendants' unlawful behavior.

6 31. Defendant Bachman was an owner of Tatto and an officer of  
 7 Shaboom and Virtus Media during much of the relevant time period. At least until  
 8 recently, he directed, participated in, and profited from the Corporate Defendants'  
 9 fraudulent operations. His personal residence has been used as the mailing address  
 10 for several of the Tatto Corporate Defendants, including Shaboom, Bune, and  
 11 Virtus Media. He is also listed as the applicant and billing contact on several  
 12 applications to renew short code leases involved in the scam. He has directly  
 13 received at least four and a half million dollars from the scam, and he has had  
 14 knowledge and control of the Corporate Defendants' unlawful behavior.

### 15 **VIOLATIONS OF THE FTC ACT**

16 32. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or  
 17 deceptive acts or practices in or affecting commerce." Misrepresentations or  
 18 deceptive omissions of material fact constitute deceptive acts or practices  
 19 prohibited by Section 5(a) of the FTC Act.

20 33. Acts or practices are unfair under Section 5 of the FTC Act if they  
 21 cause substantial injury to consumers that consumers cannot reasonably avoid  
 22 themselves and that is not outweighed by countervailing benefits to consumers or  
 23 competition. 15 U.S.C. § 45(n).

### 24 **COUNT I**

#### 25 **Deceptive Acts and Practices in Violation of Section 5 of the FTC Act**

26 34. In numerous instances in connection with the sale of Premium SMS  
 27 services, including "Hollywood Stars Live! Alerts" and "MyLuvCrush" and  
 28 similar services, Defendants have represented, directly or indirectly, expressly or

1 by implication, that consumers are obligated to pay for charges for Defendants'  
2 Premium SMS services appearing on consumers' mobile phone bills.

3 35. In truth and in fact, in numerous instances in which Defendants have  
4 made the representations set forth in Paragraph 34 of this Complaint, consumers  
5 were not obligated to pay the charges because the consumers did not authorize  
6 charges for Defendants' services corresponding to the charges on the bill.

7 36. Therefore, Defendants' representations as set forth in Paragraph 34 of  
8 this Complaint are false or misleading and constitute deceptive acts or practices in  
9 violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

## 10 COUNT II

### 11 Unfair Billing Practices in Violation of Section 5 of the FTC Act

12 37. In numerous instances, Defendants have caused consumers' mobile  
13 phone accounts to be billed without having previously obtained the consumers'  
14 express informed consent.

15 38. Defendants' actions have caused or are likely to cause substantial  
16 injury to consumers that consumers cannot reasonably avoid themselves and that is  
17 not outweighed by countervailing benefits to consumers or competition.

18 39. Therefore, Defendants' practices as set forth in Paragraph 37  
19 constitute unfair acts or practices in violation of Section 5 of the FTC Act, 15  
20 U.S.C. § 45(a) and (n).

## 21 CONSUMER INJURY

22 40. Consumers have suffered and will continue to suffer substantial injury  
23 as a result of Defendants' violations of the FTC Act. In addition, Defendants have  
24 been unjustly enriched as a result of their unlawful acts or practices. Absent  
25 injunctive relief by this Court, Defendants are likely to injure consumers, reap  
26 unjust enrichment, and harm the public interest.

1                   **THIS COURT'S POWER TO GRANT RELIEF**

2           41. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court  
3 to grant injunctive and other such relief as the Court may deem appropriate to halt  
4 and redress violations of any provision of law enforced by the FTC. The Court, in  
5 the exercise of its equitable jurisdiction, may award ancillary relief, including  
6 rescission or reformation of contracts, restitution, the refund of monies paid, and  
7 the disgorgement of ill-gotten monies, to prevent and remedy any violation of any  
8 provision of law enforced by the FTC.

9                   **PRAYER FOR RELIEF**

10          Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, § 53(b),  
11 and the Court's own equitable powers, requests that the Court:

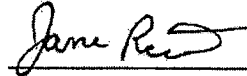
12          A. Award such preliminary and ancillary relief as may be necessary to avert  
13 the likelihood of consumer injury during the pendency of this action and  
14 to preserve the possibility of effective final relief, including, but not  
15 limited to, a temporary and preliminary injunction, asset freeze,  
16 appointment of a receiver, an evidence preservation order, and expedited  
17 discovery;

18          B. Enter a permanent injunction to prevent future violations of the FTC Act  
19 by Defendants;

20          C. Award such relief as the Court finds necessary to redress injury to  
21 consumers resulting from Defendants' violations of the FTC Act,  
22 including, but not limited to, rescission and reformation of contracts,  
23 restitution, the refund of monies paid, and the disgorgement of ill-gotten  
24 monies;

25          D. Award Plaintiff the costs of bringing this action, as well as such other and  
26 additional relief as the Court may determine to be just and proper.  
27  
28

1 Respectfully submitted,  
2 David Shonka  
3 Acting General Counsel

4 

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Attorneys for Plaintiff  
Federal Trade Commission

Dated: Dec. 4, 2013



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Dale S. Fischer and the assigned Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

2:13CV8912 DSF FFMx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

December 4, 2013

Date

By J. Prado

Deputy Clerk

---

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NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**



Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012



Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701



Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

**Failure to file at the proper location will result in your documents being returned to you.**

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

ORIGINAL

<b>I. (a) PLAINTIFFS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  Federal Trade Commission	<b>DEFENDANTS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  Tatto, Inc., also d/b/a WinBigBidLow and Tatto Media, Bullroarer, Inc., Shaboom Media, LLC, Bune, LLC, Mobile Media Products, LLC, Chairman Ventures, LLC, Galactic Media, LLC, Virtus Media, LLC, Lin Miao, and Andrew Bachman
<b>(b) County of Residence of First Listed Plaintiff</b> _____ (EXCEPT IN U.S. PLAINTIFF CASES)	<b>County of Residence of First Listed Defendant</b> <u>Los Angeles</u> (IN U.S. PLAINTIFF CASES ONLY)
<b>(c) Attorneys (Firm Name, Address and Telephone Number)</b> If you are representing yourself, provide the same information. Heather Allen, Duane C. Pozza, Jane Ricci, and Robin Thurston, Federal Trade Commission, 600 Pennsylvania Ave., NW, NJ-3158, Washington, DC 20580; (202-326-2042); Faye Chen Barnouw, Federal Trade Comm, 10877 Wilshire Blvd, Ste 700, Los Angeles, CA 90024 (310-824-4380).	<b>Attorneys (Firm Name, Address and Telephone Number)</b> If you are representing yourself, provide the same information.

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input checked="" type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2. U.S. Government Defendant <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)  <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1. Original Proceeding <input type="checkbox"/> 2. Removed from State Court <input type="checkbox"/> 3. Remanded from Appellate Court <input type="checkbox"/> 4. Reinstated or Reopened <input type="checkbox"/> 5. Transferred from Another District (Specify) <input type="checkbox"/> 6. Multi-District Litigation					
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**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No      **MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Unfair and deceptive acts violating Section 5 of the FTC Act, 15 U.S.C. Sec. 45.

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY:

Case Number:

CV13-8912  
CIVIL COVER SHEET

CV-71 (11/13)

Page 1 of 3

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input checked="" type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>C.1. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D  Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	<b>C.2. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C  Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

<b>Question D: Initial Division?</b>	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Western

## UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## CIVIL COVER SHEET

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY  
(OR SELF-REPRESENTED LITIGANT):**

DATE: 12/4/13

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))